
Federal Communications Commission

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Kern, County of)	File No. EB-FIELDWR-13-00012766
Licensee of Station KF9044)	NOV No. V201432900010
)	
Bakersfield, California)	

NOTICE OF VIOLATION

Released: December 16, 2013

By the District Director, Los Angeles Office, Western Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)¹ to Kern, County of (Kern) licensee of station KF9044 in Bakersfield, California. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.²

2. On April 10, 2013, in response to a complaint of interference, an agent from the Enforcement Bureau's Los Angeles Office observed that Kern was operating station KF9044 on frequency 122.9 MHz to control runway lighting at the Minter Field – Shafter Airport.³ The pilot-controlled lighting, activated by keying the transmitter on 122.9 MHz, was also inadvertently activating a nearby airport's Automated Weather Observation Station (AWOS) operating on the same frequency. When the neighboring airport's AWOS was activated, it interfered with communications of the pilots attempting to land at Minter Field. Station KF9044 is only authorized for a station class of "Aeronautical Search and Rescue" (SAR1). The agent observed the following violations:

- a. 47 C.F.R. § 1.903(a): "Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission..." At the time of the inspection, Kern was not operating station KF9044 as a search and rescue station, as designated by the station license.

¹ 47 C.F.R. § 1.89.

² 47 C.F.R. § 1.89(a).

³ See 47 C.F.R. § 87.187(y) (brief keyed RF signals (keying the transmitter by momentarily depressing the microphone "push-to-talk" button) may be transmitted from aircraft for the control of automated unicoms on the Unicom frequencies listed in Section 87.187 (y)(3), or for the control of airport lights on other specified frequencies).

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- b. 47 C.F.R. § 87.371: “Aeronautical search and rescue land and mobile stations must be used only for communications with aircraft and other aeronautical search and rescue stations engaged in search and rescue activities. Aeronautical land search and rescue stations can be moved for temporary periods from a specified location to an area where actual or practice search and rescue operations are being conducted.” At the time of the inspection, the agent observed that station KF9044, which has a designated station class of “Aeronautical Search and Rescue” (SAR1), was being operated to control runway lights.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,⁴ and Section 1.89 of the Rules, we seek additional information concerning the violation and any remedial actions taken. Therefore, Kern must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain the violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct the violations and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.⁵

4. In accordance with Section 1.16 of the Rules, we direct Kern to support their response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of Kern, verifying the truth and accuracy of the information therein,⁶ and confirming that all of the information requested by this Notice which is in the registrant’s possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁷

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

⁴ 47 U.S.C. § 308(b).

⁵ 47 C.F.R. § 1.89(c).

⁶ Section 1.16 of the Rules provides that “[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : ‘I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)’.” 47 C.F.R. § 1.16.

⁷ 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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Los Angeles Office
18000 Studebaker Rd., # 660
Cerritos, CA 90703

6. This Notice shall be sent to Kern at the address of record.

7. The Privacy Act of 1974⁸ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

Charles A. Cooper
District Director
Los Angeles Office
Western Region
Enforcement Bureau

⁸ P.L. 93-579, 5 U.S.C. § 552a(e)(3).